

REMARKS

Claims 1-28 are pending in this application with claims 25-28 being withdrawn from consideration

I. Restriction Requirement

It is respectfully submitted that the subject matter of all claims 25-28 is sufficiently related that a thorough search for the subject matter of any one of claims 1-24 would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

II. Rejection under 35 U.S.C. §103

A. Olson et al.

Claims 1 and 23 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,472,027 to Olson et al. This rejection is respectfully traversed.

Applicant submits that nowhere does Olson et al. teach or suggest a stripping composition having, as an active ingredient, at least benzyl acetate, and a solvent chosen from methoxypropyl acetate, diacetone alcohol, methyl ethyl ketone, isophorone and the mixture of these as recited in claim 1.

In the Final Rejection, the Patent Office alleges that the teachings of Olson et al. suggest (1) the combination of benzyl acetate with at least diacetone alcohol, isophorone and methyl ethyl ketone and (2) that another useful subclass of stripper composition contains a blend of primary solvent and one or more ether alcohol solvent couplers in the substantial absence of water. To the contrary, Olson et al. merely teaches a stripping composition intended to remove a UV curable floor finish from a floor, the composition comprising a polar solvent, one (among many) of which may be benzyl acetate, and an optional less dense polar solvent that may include (among many) diacetone alcohol, isophorone and methyl ethyl ketone (see col. 1, lines 60-65). Nowhere does Olson et al. suggest that the composition having a polar solvent, one (among many) of which may be benzyl acetate, and an optional less dense polar solvent that may include (among many) diacetone alcohol, isophorone and methyl ethyl ketone is in substantial absence of water as alleged by the Patent Office.

Nothing in Olson et al. would have directed one of ordinary skill in the art to a stripping composition with the combination of components as claimed. Olson et al. merely indicates a variety of possible solvents; however, Olson et al. does not teach or suggest the specific combination recited in claim 1.

The claims of the application define a stripping composition for selectively removing a layer of a substratum that is directly removed from the substratum or removed from another layer coating the substratum. As described at page 2, lines 15-32 of the specification, the stripping process with the stripping composition selectively removes the layer without damaging the substratum or the other layer coating the substratum. Further, as set forth at page 4, lines 15-26, the stripping process with the stripping composition is characterized by an exfoliation of the layer to be removed that is visible by formation of blisters and/or chipping of the layer. Therefore, the stripping composition defined in the claims is not a solvent composition that dissolves a coating to be removed as in Olson et al.

Further, Olson et al. teaches that the stripping composition is intended to dissolve an exterior layer from another layer, col. 1, lines 65-67 and col. 2, lines 1 and 2). As described at page 4, lines 24-26 of the present specification, the claimed stripping composition selectively strips debris away from the coating or coatings and must be scraped off with a spatula.

Additionally, Olson et al. merely teaches a stripping composition that is aqueous, containing at least 80% water and being inhomogeneous, (col. 7, lines 41-52 and Abstract). The claimed stripping composition must be devoid of water. An extrapolation of the teaching of Olson et al. leads to an inhomogeneous composition that may contain benzyl acetate as a polar solvent, which is not miscible with water, and diacetone alcohol as a less polar solvent, and which is miscible with water alone. The stripping composition defined in the present claims has benzyl acetate that acts concomitantly with at least one of methoxypropyl acetate, diacetone alcohol, methyl ethyl ketone, and/or isophorone, evidencing a distinct process.

Further, Olson et al. teaches a stripping composition that diffuses through and softens the finish layer, which is then removed by mopping, (col. 6, lines 45-63). However, as described at page 4, lines 20-26 of the present specification, the stripping composition defined herein removes a layer that is thicker than a finish layer and which is remove by scraping the layer from the substratum.

Still further, Olson et al. teaches a stripping composition which is intended to be used on a flat substratum, such as, a floor. As set forth in page 4, lines 15-23 of the present specification, the stripping composition defined in the present claims is not limited to a flat substratum and/or is particularly intended for a vertical substratum, which may be applied to the layer to be removed and left on the layer for up to 48 hours, without a risk of the composition drying.

As set forth above, the Patent Office admits that Olson et al. does not teach or suggest a stripper composition comprising benzyl acetate and at least one of diacetone alcohol,

isophorone and methyl ethyl ketone. Applicant submits that the differences between the teachings of Olson et al. and the present stripping composition, as outlined above, along with the admissions of the Patent Office, are evidence of a distinct stripping composition and stripping process.

Moreover, Applicant submits that the stripping composition defined herein results in a synergistic combination that could not be deduced from the teachings of Olson et al. because the same effect could not be obtained with the solvents taught in Olson et al. Furthermore, nothing in Olson et al. would have suggested to one of ordinary skill in the art that, by incorporating at least benzyl acetate, as an active ingredient, and a solvent chosen from methoxypropyl acetate, diacetone alcohol, methyl ethyl ketone, isophorone and mixtures of these, the stripping composition recited in the present claim 1 would have been achieved. Additionally, Applicant submits that one of ordinary skill in the art would not have looked to the teachings of Olson et al. to achieve the stripping composition recited in claim 1.

Since Olson et al. fails to teach or suggest each and every feature as claimed, the claims are patentably distinct over the reference. Accordingly, reconsideration and withdrawal of the rejection of the claims relying upon Olson et al. are respectfully requested.

B. Takayanagi et al.

Claims 1-6 and 17 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,612,303 to Takayanagi et al. This rejection is respectfully traversed.

Applicant submits that nowhere does Takayanagi et al. teach or suggest a stripping composition having, as active ingredient, at least benzyl acetate, and a solvent chosen from methoxypropyl acetate, diacetone alcohol, methyl ethyl ketone, isophorone and the mixture of these as recited in claim 1.

Takayanagi et al. merely teaches a solvent composition for use as a solvent in paints, varnishes, coatings, adhesives and printing inks, col. 1, lines 8-12. Further, Takayanagi et al. teaches a solvent composition that is useful as a degreasing agent, an ink remover, a flux remover, a liquid crystal cell cleaner or a resist stripper. Still further, Takayanagi et al. teaches that a combined use of the organic solvent or water makes it possible to appropriately improve or modify the cleaning properties, safety, ease in handling, and the like of the solvent composition.

The Patent Office admits that Takayanagi et al. does not teach or suggest a solvent composition comprising benzyl acetate and at least one of diacetone alcohol, isophorone and methyl ethyl ketone, N-methyl pyrrolidone or dimethyl sulfoxide in the recited amounts. Nowhere does Takayanagi et al. even remotely teach or suggest a stripping composition as recited in claim 1. Specifically, although Takayanagi et al. may mention components of the stripping composition, nowhere does Takayanagi et al. teach or suggest the specific combination of components recited in claim 1. Nothing in Takayanagi et al. teaches or suggests that the separate components of claim 1 should be selected for use together in Takayanagi et al.

Contrary to the allegations of the Patent Office in the Final Rejection, nothing in Takayanagi et al. would have suggested to one of ordinary skill in the art that, by incorporating, at least benzyl acetate, as an active ingredient, and a solvent chosen from methoxypropyl acetate, diacetone alcohol, methyl ethyl ketone, isophorone and the mixture of these, the stripping composition recited in claim 1 would have been achieved.

Additionally, Applicant submits that one of ordinary skill in the art would not have looked to the teachings of Takayanagi et al. to achieve the stripping composition recited in claim 1. Thus, Takayanagi et al. would not have led one of ordinary skill in the art to the present claims.

Since Takayanagi et al. fails to teach or suggest each and every feature as claimed, the claims are patentably distinct over the reference. Accordingly, reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §103(a) are respectfully requested.

C. Lallier et al. in view of Olson et al. or Takayanagi et al.

Claims 1-22 and 24 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,656,896 to Lallier et al. in view of Olson et al. or Takayanagi et al. This rejection is respectfully traversed.

Applicant submits that none of Lallier et al., Olson et al. and Takayanagi et al., taken singly or in combination, teaches or suggests a stripping composition having, as active ingredient, at least benzyl acetate, and a solvent chosen from methoxypropyl acetate, diacetone alcohol, methyl ethyl ketone, isophorone and the mixture of these as recited in claim 1.

Lallier et al. teaches a first generation stripping composition suitable for stripping external organic coatings, such as exterior waterproof coatings and thin films. This first generation stripping composition is a replacement to chlorinated stripping compositions. However this first generation stripping composition is not an effective stripping composition. Further, Lallier et al. teaches that the stripping composition contains at least one dibasic ester, at least one dipolar aprotic solvent, at least one cosolvent selected from monoalkoxybenzenes, such as anisole and phenetole, and softening agents.

Lallier et al. fails to remedy the deficiencies of Olson et al. and Takayanagi et al. as set forth above. Thus, Lallier et al., Olson et al. and Takayanagi et al. fail to teach or suggest the stripping composition as recited in claim 1.

Because none of Lallier et al., Olson et al. and Takayanagi et al., taken singly or in combination, teach or suggest each and every feature as claimed, the claims are patentably

distinct over the references. Accordingly, reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §103(a) are respectfully requested.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-28 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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